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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/151,666	09/11/1998	WILLIAM M. SEAL	BS100/177618	8180
24504	7590	05/19/2005	EXAMINER	
THOMAS, KAYDEN, HORSTEMEYER & RISLEY, LLP 100 GALLERIA PARKWAY, NW STE 1750 ATLANTA, GA 30339-5948			MEINECKE DIAZ, SUSANNA M	
			ART UNIT	PAPER NUMBER
			3623	

DATE MAILED: 05/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/151,666

**Applicant(s)**

SEAL ET AL.

**Examiner**

Susanna M. Diaz

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 06 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 5,6,8-15 and 43-52 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 5,6,8-15 and 43-52 is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input checked="" type="checkbox"/> Other: <u>See Continuation Sheet</u> .           |

Continuation of Attachment(s) 6). Other: Examiner's Amendment/Reasons for Allowance.

### **EXAMINER'S AMENDMENT**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Jeffrey Kuester (Reg. No. 34,367) on May 11, 2005.

The application has been amended as follows:

*Please see appendix labeled "Examiner's Amendment."*

***Ex Parte Quayle***

2. This application is in condition for allowance except for the following formal matters:

The disclosure is objected to because of the following informalities:

The Applicant makes reference to an appendix in the following lines of the specification:

Page 13, lines 10-11, 18-19

Page 16, lines 2-3

Page 17, lines 5-6, 16-17

Page 20, lines 3-4

Page 24, lines 8-9

Page 25, lines 10-11

Page 26, lines 3-4

Page 27, lines 13-14

Page 28, lines 3-4

Applicant is reminded that appendices are limited to computer program listings; therefore, the present appendix is improper. Applicant has the option of incorporating the subject matter disclosed in the currently labeled "Appendix" into the specification and/or drawings (and correcting any present references to an appendix accordingly). Otherwise, this subject matter must be deleted since it does not qualify as a proper appendix. If the first option is chosen, Applicant is respectfully reminded to adhere to

the requirements of a proper specification and drawings, including those set forth in 37 C.F.R. §§ 1.52, 1.58, and 1.84.

Appropriate correction is required.

Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

#### ***Reasons for Allowance***

3. Claims 5, 6, 8-15, and 43-52 are allowed.

4. The following is an examiner's statement of reasons for allowance:

The closest prior art of record is BellSouth's Job Management Operation System (JMOS). As admitted by Applicant on page 3 of the response filed May 24, 2004, JMOS fails to disclose the details of a bidding process and the details of supervisory approval for billing variations. More specifically, JMOS discloses the job entry application, scheduling application, materials management application, and the interface for receiving updates (as recited in independent claim 5), further supported by Applicant's submission of the JMOS manual as Appendix A of the response filed May 24, 2004; however, JMOS does not expressly teach the incorporation of "a bid and award application executed by a computer for generating bid packages for a job and for

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receiving completed bids, wherein the bid and award application stores at least one previous bid that was made on the job and awards the job based on the at least one previous bid" and an interface, "wherein the interface includes a billing and reporting application for receiving input from the contractor as to completed tasks and billings, wherein if the billings vary from a billing expectation of the system, the variations are sent by the billing and reporting application to a supervisor for approval, wherein upon approval of the supervisor or no variations, the billing and reporting application prepares an invoice for payment." While these features are separately old and well-known in the art, the Examiner submits that the incorporation of the combination of all of the recited features into one system for managing a single job (e.g., as part of the JMOS system) is not taught or suggest by the prior art of record; therefore, claim 5 and dependent claims 6 and 8-15 are deemed to be allowable over the prior art of record. Independent claim 43 recites a method claim corresponding to the same computer-executed functionality recited in claim 5; therefore, claim 43 and dependent claims 44-52 are deemed to be allowable over the prior art of record for the same aforementioned reason.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susanna M. Diaz whose telephone number is (571) 272-6733. The examiner can normally be reached on Monday-Friday, 10 am - 6 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on (571) 272-6729. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Susanna M. Diaz  
Primary Examiner  
Art Unit 3623

May 14, 2005